IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.09.2006

CORAM

THE HON'BLE MR.JUSTICE P.SATHASIVAM

Tr.C.M.P.No.258 of 2006
and
M.P.No.1 of 2006

G.Geethanjali ..Petitioner

-vs-

A.Ganeshkumar .. Respondent

Petition filed under Section 24 of the Civil Procedure Code to withdraw the HMOP No.47 of 2006, pending on the file of Addl.Sub Court, Pollachi and transfer the same to Family Court, Chennai.

For petitioner : Mr.B.Vijayakumar

O R D E R

This is a petition filed by the wife, seeking transfer of HMOP No.47 of 2006, pending on the file of Additional Sub Court, Pollachi, filed by the respondent - husband, to Family Court, Chennai.

2. Though the respondent-husband has been duly served with notice through this Court in the transfer petition, he has not chosen to contest the above petition by engaging a counsel.

3. Heard the learned counsel appearing for the petitioner.

4. In the affidavit filed in support of the transfer petition, it is stated by the petitioner that she was married to the respondent, viz., Ganesh Kumar on 11.09.2000 at Tiruppur. She gave birth to a girl baby on 01.07.2001. While so, it is stated that due to ill-will and to harass the petitioner, the respondent herein has filed HMOP No.47 of 2006 on the file of Additional Sub Court, Pollachi under Section 13 (1)(ia) and 13(1)(ib) of the Hindu Marriage Act, for divorce. It is also stated that at present she is a student of Dr.Ambedkar Government Law College, Chennai, doing her 2nd year B.L. Degree course. It is further stated that her only girl

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child, aged 5 years, has started attending school at Good Earth School, West Tambaram, Chennai and she is in UKG. She is residing along with her old parents at DF2, Anirutha Apartments, 805/200 Camp Road Junction, Selaiyur, Tambaram, Chennai 73. In view of the fact that she is residing at Madras and studying in Law College and her only girl child is also attending School at Madras, she prays that the divorce petition filed by the respondent has to be heard by the Family Court, Chennai for her convenience.

5. On going through the undisputed factual details as referred to above, I am satisfied that the petitioner has made out a case for transfer. Accordingly, HMOP No.47 of 2006, pending on the file of Additional Sub Court, Pollachi, Coimbatore, is ordered to be transferred to the file of Family Court, Chennai for disposal on merits. The Transfer Petition is ordered as prayed for. Consequently, connected miscellaneous petition is closed.

gms

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

To

1. The Addl. Subordinate Judge, Pollachi.
2. The Principal Judge
Family Court, Chennai.

+ 2 ccs to Mr. B. Vijayakumar, Advocate sr no. 42659

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